

Carolyn T. Carluccio

May 29, 2008

Page 2

Very truly yours,

A handwritten signature in dark ink, appearing to read "BED", followed by a horizontal line.

BLAKE E. DUNBAR, JR.

BED/th

Enclosure

COUNTY OF MONTGOMERY
BARRY M. MILLER
COUNTY SOLICITOR



CAROLYN T. CARLUCCIO
CHIEF DEPUTY SOLICITOR
LARRY J. FOLMAR
ASSISTANT DEPUTY SOLICITOR
JEFFREY B. ALBERT
ASSISTANT DEPUTY SOLICITOR

BRUCE J. ECKEL
FIRST ASSISTANT COUNTY SOLICITOR
PHILIP W. NEWCOMER
CHIEF OF LITIGATION
LAUREL GRASS
ASSISTANT COUNTY SOLICITOR
MAUREEN C. COGGINS
ASSISTANT COUNTY SOLICITOR

TEL (610) 278-3033
FAX (610) 278-3069
TDD (610) 631-1211

OFFICE OF THE SOLICITOR

ONE MONTGOMERY PLAZA
SUITE 800
P.O. BOX 311
NORRISTOWN, PENNSYLVANIA
19404-0311

June 25, 2008

Blake E. Dunbar, Jr., Esquire
Brant & Associates
572 West main Street
P.O. Box 26865
Trappe, PA 19426

RE: Reginald Roberts – Heart and Lung Benefits

Dear Mr. Dunbar:

Enclosed for your client's signature is a Medical Release Authorization Form that Dr. DiMino needs to review Mr. Roberts's medical records. I am available for any questions you might have concerning this release. Thank you for your cooperation.

Sincerely,

Carolyn Carluccio
Chief Deputy Solicitor

Enclosure



County of Montgomery

COMMISSIONERS

James R. Matthews

Chairman

Joseph M. Hoeffel Bruce L. Castor

DEPARTMENT DIRECTOR

Peter T. Leis

Human Resources

P.O. Box 311

Norristown, Pennsylvania

19404-0311

TDD: 610-631-1211

www.montcopa.org

AUTHORIZATION TO RELEASE INFORMATION

I hereby authorize any physician, nurse or other health care professional that has attended me or any hospital at which I have been confined to furnish to Montgomery County or an authorized representative, all information which may be requested regarding any and all physical or mental conditions and treatments including all diagnostic tests rendered as related to any medical condition. These would be medical records for treatment of any and all medical conditions. Further and if necessary, to allow the County of Montgomery or any physician appointed by the County of Montgomery to review these records and to examine me and review the records.

A photocopy of this instrument shall be accepted as if it was an original.

Employee's Name (Print or Type)

Employee's Signature and Date

Witness's Name (Print or Type)

Witness's Signature and Date



572 West Main Street · P.O. Box 26865 · Trappe PA 19426 · Phone: 610.489.9199 · Fax: 610.489.6815

Robert L. Brant · Wendy Feiss McKenna · Blake E. Dunbar, Jr. · Robert D. Reber, Jr. · Crystal J. Fisher · Doreen L. Smith

July 2, 2008

Mr. Reginald A. Roberts
121 Slate Run Road
Douglassville, PA 19518

Re: Medical Release

Dear Reggie:

Enclosed you will find the original Authorization to Release Information which was forwarded to me by Carolyn Carluccio, along with her letter. I have re-drafted the Release to narrow its scope and, if acceptable, I would ask that you sign and return it to my office in the self-addressed, stamped envelope.

Should you have any questions, please contact me.

Very truly yours,

Blake E. Dunbar, Jr.

BED/klm
Enclosures

AUTHORIZATION TO RELEASE MEDICAL INFORMATION

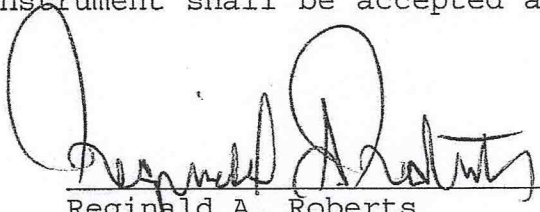
FOR REGINALD A. ROBERTS, DETECTIVE

I hereby authorize S. Michael Phillips, M.D., F.A.C.P., or his authorized representative, to furnish to Dr. DiMino, acting on behalf of Montgomery County, Pennsylvania, all information which may be requested regarding medical issues related to allergics to molds, inhalants, asthma, tuberculosis, and other respiratory ailments. This request includes medical records of Dr. Carol Fleischman and Michael Sims.

The above-designated medical records shall be requested by Dr. DiMino, or his designee, and shall be transmitted directly to his office for review. The medical records shall not be shared with Montgomery County, although it is understood by Releasor that Dr. DiMino will transmit a report setting forth his opinions to Montgomery County. It is also understood that Dr. DiMino may consult with other medical practitioners during his review of records.

A photocopy of this instrument shall be accepted as if it was an original.

Witness


Reginald A. Roberts

Date: JULY 7, 2008

NOT SUBMITTED



572 West Main Street · P.O. Box 26865 · Trappe PA 19426 · Phone: 610.489.9199 · Fax: 610.489.6815

Robert L. Brant · Wendy Feiss McKenna · Blake E. Dunbar, Jr. · Robert D. Reber, Jr. · Doreen L. Smith

July 30, 2008

Carolyn Carluccio, Esquire
Chief Deputy Solicitor
Office of the Solicitor
One Montgomery Plaza
Suite 800
P.O. Box 311
Norristown, PA 19404-0311

Re: Reginald Roberts - Heart and Lung Benefits

Dear Ms. Carluccio:

Enclosed is a signed and witnessed Authorization for release of medical information from Dr. Phillips to Dr. DiMino. The Authorization extends to any medical records Dr. Phillips has from Drs. Carol Fleischman and Michael Sims. It also authorizes Dr. DiMino to speak with Dr. Phillips directly to discuss Detective Roberts' medical issues.

I would ask that this medical records review be conducted as soon as possible so that we can resolve the issue of Heart and Lung Benefits which has now been open since the early part of this year. There does not appear to be any question of entitlement under the Act, and as soon as Dr. DiMino can confirm this with Dr. Phillips, Detective Roberts can be reimbursed for all leave time used during the period prior to his return to work, including sick time, comp time, vacation and personal time.

Thank you for your prompt attention to this.

Very truly yours,

A handwritten signature in dark ink, appearing to read "BED", with a stylized flourish extending from the end.

Blake E. Dunbar, Jr.

BED/klm

Enclosure

cc: Det. Reginald A. Roberts ✓

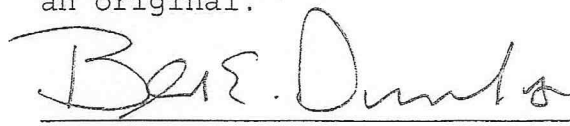
AUTHORIZATION TO RELEASE MEDIAL INFORMATION
FOR REGINALD A. ROBERTS, DETECTIVE

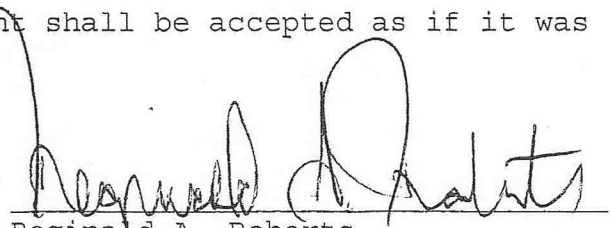
I hereby authorize S. Michael Phillips, M.D., F.A.C.P., or his authorized representative, to furnish to Dr. DiMino, acting on behalf of Montgomery County, Pennsylvania, all information which may be requested regarding medical issues related to allergics to molds, inhalants, asthma, tuberculosis, and other respiratory ailments. This release includes medical records of Drs. Carol Fleischman and Michael Sims which may be in the possession of Dr. Phillips.

The above-designated medical records shall be requested by Dr. DiMino, or his designee, and shall be transmitted directly by Dr. Phillips to Dr. DiMino's office for review. The medical records shall not be shared with Montgomery County, Releasor's employer, although it is understood by Releasor that Dr. DiMino may transmit a report setting forth his opinions to Montgomery County. It is also understood that Dr. DiMino may consult with other medical practitioners during his review of records.

Releasor also authorizes Dr. DiMino to contact Dr. Phillips directly to discuss Releasor's medical issues related to allergics to molds, inhalants, asthma, tuberculosis and other respiratory ailments.

A photo copy of this instrument shall be accepted as if it was an original.


Witness


Reginald A. Roberts

Date: July 26, 2008



572 West Main Street · P.O. Box 26865 · Trappe PA 19426 · Phone: 610.489.9199 · Fax: 610.489.6815

Robert L. Brant · Wendy Feiss McKenna · Blake E. Dunbar, Jr. · Robert D. Reber, Jr. · Doreen L. Smith

August 12, 2008

Carolyn Carluccio, Esquire
Chief Deputy Solicitor
Office of the Solicitor
One Montgomery Plaza
Suite 800
P.O. Box 311
Norristown, PA 19404-0311

Re: Reginald Roberts - Heart and Lung Benefits

Dear Ms. Carluccio:

Upon my return from vacation this week, I learned that Mr. Roberts had been terminated from the District Attorney's Office, County Detectives Office. Despite this action by the County, his heart and lung claim remains open. Having not received much movement from the County on this claim in the past, I would not expect any change now that Mr. Roberts has been terminated. You will recall that the Heart and Lung claim involves reimbursement for all leave time that Mr. Roberts was required to use during the period he was out ill with TB until his return to duty.

Accordingly, this letter will serve as a demand for a local agency hearing on the ongoing denial of heart and lung benefits to Mr. Roberts. This demand is submitted pursuant to the authority provided under the Local Agency Law, 2Pa.CSA §551, et seq. Since the Heart and Lung Act does not provide for its own hearing process, the procedure is governed by the statute. In the usual case, the hearing on a heart and lung claim would be heard by the governing body, in this case the County Commissioners. However, since the County of Montgomery is currently involved in active litigation with Mr. Roberts before the Human Relations Commission, an obvious conflict would exist in the Commissioners either hearing the case or appointing a

Carolyn Carluccio, Esquire

August 12, 2008

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hearing examiner of its choosing. In either case, Mr. Roberts' due process rights to a fair and impartial hearing would be violated.

Accordingly, it is my suggestion that the parties agree to an impartial hearing agency such as the American Arbitration Association for the appointment of an arbitrator to adjudicate the heart and lung claim. Please contact me to discuss this or simply confirm your concurrence and I will request a list of potential arbitrators from AAA.

Thank you for your prompt attention to this matter.

Very truly yours,

A handwritten signature in dark ink, appearing to read "BED", with a stylized flourish extending from the end.

Blake E. Dunbar, Jr.

BED/raw
Enclosure

cc: Barry A. Miller, Esquire
Reginald A. Roberts



CAROLYN T. CARLUCCIO
CHIEF DEPUTY SOLICITOR
LARRY J. FOLMAR
ASSISTANT DEPUTY SOLICITOR
JEFFREY B. ALBERT
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Blake E. Dunbar, Jr., Esquire
Robert L. Brant & Associates
572 West Main Street
P.O. Box 26865
Trappe, PA 19426

August 25, 2008

Re: Reginald A. Roberts – Heart and Lung Benefits

Dear Mr. Dunbar:

I also am just returning from vacation and found your letter on my chair. You are correct, Mr. Roberts's termination will have no impact on the County's review of his Heart and Lung claim. We will follow the same procedure we follow for all County employees.

I spoke with the Director of our Health Department this morning. He informed me that, despite sending a request to Mr. Roberts' doctors for medical records immediately upon receipt of Mr. Roberts' Release, to date the doctor has not complied. He will resubmit his request and give me a report as soon as he reviews the medical reports.

Your letter states at the end of the first paragraph that Mr. Roberts "was out ill with TB." If you in fact have a doctor's report which states he actually had active TB (and not just that he tested positive for the presence of TB), please send that immediately. It will certainly speed up our decision making process.

I will let you know as soon as I receive Dr. DiMino's evaluation.

Thank you,


Carolyn T. Carluccio

cc: Barry M. Miller, Solicitor



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Robert L. Brant · Wendy Feiss McKenna · Blake E. Dunbar, Jr. · Robert D. Reber, Jr. · Doreen L. Smith

August 28, 2008

Reginald A. Roberts
121 Slate Run Road
Douglassville, PA 19518

Re: Heart and Lung Benefits

Dear Reggie:

Enclosed is the response I received from Carolyn Carluccio. While continuing to move at a snail's pace, she acknowledges that your termination will have no impact on the heart and lung claim.

Should you have any questions, please contact me.

Very truly yours,

A handwritten signature in black ink, appearing to be "BED", written over a horizontal line.

Blake E. Dunbar, Jr.

BED/raw
Enclosure